

MARGARET SCISM,

Plaintiff,

vs.

PIEDMONT NATURAL GAS
COMPANY, INC., et. al.,

Defendants.

THIS MATTER comes before the Court on Defendant Hartford Insurance Company's (Hartford) motion to dismiss for failure to state a claim, (Doc. 6), Defendants' joint motion to stay proceedings, (Doc. 16), and the Magistrate Judge's Memorandum and Recommendations (M&R) recommending that the motion to stay be granted and the motion to dismiss be denied without prejudice. (Doc. 17). This matter is ripe for review.

The M&R recommends that this Court grant Defendants' joint motion to stay and deny without prejudice Hartford's motion to dismiss for failure to state a claim. Specifically, the Magistrate Judge observed that Defendant Hartford sought a stay in order to conduct an administrative review of Plaintiff's claim. Accordingly, the Magistrate Judge recommended granting such request and suggested May 27, 2015, as the deadline to complete such review. Having recommended stay pending administrative review, the Magistrate Judge recommended denying Hartford's motion to dismiss without prejudice.

II. STANDARD OF REVIEW

The Federal Magistrate Act provides that a district court “shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). A written objection to a magistrate judge’s recommendation must identify the portion of the proposed findings or recommendations to which objection is made and state the basis for such objection. Orpiano v. Johnson, 687 F.2d 44 (4th Cir. 1982). De novo review is not necessary where a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations. See United States v. Mertz, 376 U.S. 192 (1964).

III. DISCUSSION

Neither party having objected, the Court reviews the M&R for clear error and finds none. Accordingly, the Court **adopts** the Magistrate Judge’s recommendation and **stays** this case until, at latest, May 27, 2015, so that Hartford can conduct an administrative review. The Court joins the Magistrate Judge in recommending that parties make every reasonable effort to expedite the administrative review. Additionally, the Court **adopts** the Magistrate Judge’s recommendation and **denies without prejudice** Hartford’s motion to dismiss for failure to state a claim. (Doc. 6). Finally, the Court adopts the Magistrate Judge’s recommendations that the parties file a **status report by October 15, 2014**, followed thereafter every **sixty (60) days** until the stay is lifted or the case is closed; additionally the parties must file a **Certification of Initial Attorney’s Conference by March 2, 2015** or within **ten (10) days** of completion of the administrative review.

IV. CONCLUSION

IT IS, THEREFORE, ORDERED that:

1. The Magistrate Judge's Memorandum and Recommendations (Doc. 17) is **adopted**.
2. Defendant's motion to dismiss for failure to state a claim (Doc. 6) is **denied without prejudice**.
3. Defendants' joint motion to stay pending administrative review (Doc. 16) is **granted** and this case is **stayed** until, at latest, May 27, 2015.
4. The parties are required to file a status report by October 15, 2014 and every sixty (60) days thereafter until the stay is lifted or the case is closed.
5. The parties are required to file a Certification of Initial Attorney's Conference by March 2, 2015 or within ten (10) days of the completion of administrative review.

Signed: July 3, 2014



Robert J. Conrad, Jr.
United States District Judge

